

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**TERRY CUNNINGHAM and/or all  
other residents,**

**Plaintiff,**

**v.**

**1:07-cv-1346-WSD**

**HSBC MORTGAGE SERVICES,**

**Defendant.**

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**OPINION AND ORDER**

This matter is before the Court on Terry Cunningham's ("Cunningham") Motion to Reconsider Order of Remand [7].

A motion for reconsideration is appropriate only where there is: (1) newly discovered evidence; (2) an intervening development or change in controlling law; or (3) a need to correct a clear error of law or fact. Jersawitz v. People TV, 71 F. Supp. 2d 1330, 1344 (N.D. Ga. 1999); Pres. Endangered Areas of Cobb's History, Inc. v. U.S. Army Corps of Eng'rs, 916 F. Supp. 1557, 1560 (N.D. Ga. 1995). A motion for reconsideration should not be used to present the Court with arguments already heard and dismissed, or to offer new legal theories or evidence that could have been presented in the previously filed motion. Bryan v. Murphy, 246 F.

Supp. 2d 1256, 1259 (N.D. Ga. 2003); see also Pres. Endangered Areas, 916 F.

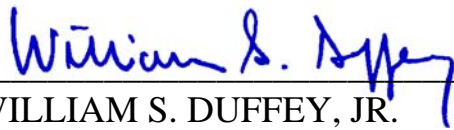
Supp. at 1560 (“A motion for reconsideration is not an opportunity for the moving party and their counsel to instruct the court on how the court ‘could have done it better’ the first time.”).

Cunningham asks this Court to reconsider its Order remanding this case to state court because: 1) she was not afforded time to respond to the motion to remand, and 2) Cunningham’s due process rights were violated. Cunningham does not cite newly discovered evidence, an intervening development or change in controlling law, or allege that the Court made a clear error of law or fact. Thus, a motion for reconsideration is inappropriate in this case.

For the foregoing reasons,

**IT IS HEREBY ORDERED** that Cunningham’s Motion to Reconsider Order of Remand [7] is **DENIED**, and the Clerk of Court is **DIRECTED** to remand this action to the State Court of DeKalb County.

**SO ORDERED**, this 2nd day of July, 2007.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE